

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA :

v. :

DAVID VEGA MOLINA : **Cr. 99-295 (DRD)**

**JOINT MOTION FOR ADDITIONAL TIME
WITHIN WHICH TO COMPLETE FILE MOTION
REQUESTING ORDER FOR DNA TESTING**

TO THE COURT:

DEFENDANT, David Vega Molina, by his undersigned counsel, together with AUSA Bazán, for the United States, hereby move for additional time within which to submit their joint motion for DNA testing for the reasons stated as follows:

1. The parties agree *in principle* that DNA testing should be performed to determine whether it either inculpates or exculpates Defendant, David Vega Molina.
2. They have not reached agreement on counsel's request to take sufficient sample to ensure additional testing, either by the FBI or an independent expert, should it be warranted.
3. They have not reached agreement on the prosecution's request for hair and blood samples as well. Counsel would not object to such samples, if required as an integral part of the DNA testing, for that purpose. Given the superior reliability of DNA testing, she objects to hair and blood samples for the purpose of comparison with other hair and blood samples, as redundant, unnecessary, and

subject to error and manipulation.

4. The prosecutor has agreed to consult the issue of the reason for the hair and blood samples with an FBI technician to determine whether the purpose is obtain additional sources of DNA, or whether it is merely to obtain additional samples in order to make less reliable comparisons.

5. Counsel for Mr. Vega was unavailable to consult with Mr. Bazán until 3:00 PM today, the date by which the Motion was to have been filed, because she was taking a deposition in a civil case outside of her office.

6. After speaking by telephone, the parties agreed to request an extension of two additional working days in order to attempt to resolve the remaining controversies, in order to submit the motion.

WHEREFORE, it is respectfully requested that the parties be granted until the morning of Wednesday, April 26, to file the joint motion.

CERTIFICATION

I hereby certify that on this date, the foregoing was electronically filed with the Clerk of the Court via CM/ECF system, which will cause a copy to be electronically served upon all counsel of record.

Respectfully submitted:

April 21, 2006

s/ Linda A. Backiel
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